

City of Fort Lauderdale

City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - APPROVED

Tuesday, June 4, 2013

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
HARRY A. STEWART, City Attorney

Meeting was called to order at 6:08 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Also Present: 5 - City Manager, Lee R. Feldman; City Auditor, John Herbst; City Clerk, Jonda K. Joseph; City Attorney, Harry A. Stewart; Sergeant At Arms, Sergeant Timothy McCarthy

Vote Roll Call Order for this Meeting

Commissioner DuBose, Commissioner Rogers, Vice Mayor Roberts, and Commissioner Trantalis, Mayor Seiler

Invocation

Chaplain Ron Perkins, Fort Lauderdale Police Department, Seafarer's House at Port Everglades

Pledge of Allegiance

Led by Commissioner Bobby B. DuBose

Approval of MINUTES and Agenda

13-0794 APPROVAL OF MINUTES - April 2, 2013 Conference Meeting and April 16, 2013 Regular Meeting

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to approve the noted minutes.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PRESENTATIONS

PRES-1 13-0838 PRESENTATION BY LAUDERDALE YACHT CLUB SAILING FOUNDATION OF A PROCLAMATION FOR THE 2013 YOUTH SAILING GRANT REPRESENTING A DONATION OF \$2,600 TO BENEFIT CHILDREN PARTICIPATING IN FORT LAUDERDALE JUNIOR SAILORS PROGRAM

Jeff Ecklund, Chairman of Lauderdale Yacht Club Sailing Foundation, presented the Foundation's proclamation announcing their youth sailing grant for twenty sailing scholarships to the City's Junior Sailing Summer Program to Phil Thornburg, Director of Parks and Recreation.

PRES-2 13-0840 RECOGNITION OF UTILITIES BUREAU - WINNER OF 2013 WASTEWATER COLLECTION SYSTEM AWARD BY FLORIDA WATER ENVIRONMENT ASSOCIATION FOR STELLAR PERFORMANCE AND PROFESSIONALISM

Hardeep Anand, Director of Public Works, presented an award for Wastewater Collection System of the Year for stellar performance and professionalism by the Florida Water Environment Association to Julie Leonard, Deputy Public Works Director.

PRES-3 13-0861 PROCLAMATION DESIGNATING JUNE 8, 2013 AS NATIONAL MARINA DAY IN THE CITY OF FORT LAUDERDALE

Vice Mayor Roberts presented the proclamation to Joe Cain of the City’s Marine Advisory Board.

A resolution designating the month of June, 2013 as Not 1 Forgotten Men's Cancer Awareness Month in the city was presented to Joel Gresham, founder of the program, by Commissioner DuBose.

Consent Agenda (CA)

Mayor Seiler announced the procedure for consent items.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts that Consent Agenda Items M-7, M-8, M-9, M-10, M-11, M-12, M-14, M-15, M-16, M-17, M-18 and PUR-5 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-1 13-0718 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Cheney Brothers Pre Show Party and Mad Decent Block Party APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-2 13-0793 ISSUANCE OF REFUNDS TO LARGE USER WASTEWATER PARTICIPATING CITIES - fiscal year ending September 30, 2012 APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- M-3 13-0752** GRANT APPLICATION - \$850,000 - FIRE BOAT REPLACEMENT - Assistance to Firefighters Grant Program - U.S. Department of Homeland Security/FEMA - 20 percent City cash match
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-4 13-0753** GRANT APPLICATION - \$1,000,000 - BREATHING APPARATUS - Assistance to Firefighters Grant Program - U.S. Department of Homeland Security/FEMA - 20 percent City cash match
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-5 13-0830** RETURN SECURITY FUND DEPOSIT TO COMCAST OF FLORIDA, LLC - \$217,391.03 - PREVIOUS CABLE FRANCHISE AGREEMENT - authorizing return of any subsequent interest earned up to date of payment
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-6 13-0648** GRANT ACCEPTANCE - \$5,000 - SWIM LESSON PROGRAM AT JOSEPH C. CARTER PARK - USA Swimming Foundation
APPROVED
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers
- M-7 13-0742** GRANT ACCEPTANCE - \$200,000 - LAND WATER CONSERVATION GRANT PROGRAM - Florida Department of Environmental Protection and execute any documents associated with the acceptance of such funds - \$200,000 City match

Vice Mayor Roberts was concerned about there not being a funding source identified for all of the City match. The City Manager advised that the park impact fee fund has a current balance of \$125,000. The purchase price range for Rivermont property (1016 Waverly Road) is \$1.2 to \$1.5 million. Vice Mayor Roberts noted there is also no development plans. He does not support it. Commissioner Rogers felt this is a once in a lifetime opportunity. It is possible to return the grant if the City so chooses. It is a perfect combination with Lauderdale Park. It is waterfront that cannot be duplicated. Discussion ensued about the particulars of the City being able to return the grant in the future if it decides not to go forward. The City Manager advised that the real estate broker retained by the bank has been trying for about a year to raise private capital to provide a donation to the City for the acquisition but has not been successful to date. The City has a year in order to make a commitment. Mayor Seiler did not think the City would ever get such an opportunity again. Commissioner DuBose

wanted the item to be scheduled before the Commission for an update in six or nine months. Vice Mayor Roberts suggested six months. The City Attorney understood the City has to commit its \$200,000. The City's contribution cannot be conditioned on a six-month review. There was general consensus that the balance should not be taken from the General Fund.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as amended to include a six-month update.

Six month update requested.

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

M-8 13-0754 GRANT FOR GORE BETZ PARK PHASE IIII - AGREEMENT WITH BROWARD COUNTY - \$75,000 - Parks for People Land Stewardship Program - City match of \$75,000
APPROVED

Commissioner Rogers wanted assurance that these funds are additional and not replacement. The City Manager advised the funding is for additional improvements.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as presented.

M-9 13-0755 GRANT FOR HARDY PARK ADDITION II - AGREEMENT WITH BROWARD COUNTY - \$75,000 - Parks for People Land Stewardship Program - City match of \$75,000

Commissioner Rogers received the same assurance as specified in Agenda Item M-8.

Motion made by Commissioner Rogers and seconded by Commissioner Trantalis to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

M-10 13-0756 GRANT FOR HORTT PARK - AGREEMENT WITH BROWARD COUNTY - \$75,000 - Parks for People Land Stewardship Program - City match of \$75,000

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

M-11 13-0757 GRANT FOR LEWIS LANDING PARK PHASE II - AGREEMENT WITH BROWARD COUNTY - \$75,000 - Parks for People Land Stewardship Program - City match of \$75,000

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-12 13-0772 PENDING SALE OF RITZ CARLTON - Consent to Assignment and Assumption of Lease Agreement and Pedestrian Overpass Agreement from Castillo Grand, LLC to RCFL Investor, LLC - Fourth Amendment to Lease Agreement and Second Amendment to Overpass Agreement between City and Castillo Grand, LLC

Mayor Seiler noted that staff has requested the motion be contingent upon receiving and approving a Phase I Environmental Site Assessment from the Lessee.

In answer to Commissioner Trantalis, Walter Lee Morgan, representing the seller, Castillo Grand, LLC, understood that the buyer has two other Ritz Carlton's. The flag will remain as a Ritz Carlton.

Motion made by Commissioner Trantalis and seconded by Commissioner DuBose to approve the item as amended to require receipt and approval of Phase I Environmental Site Assessment from the Lessee (RCFL Investor, LLC).

Approved subject to receipt and approval of Phase I environmental Site Assessment from Lessee.

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-13 13-0750 ACCEPTANCE OF ADDITIONAL GRANT FUNDS - \$15,000 - 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE COUNTYWIDE SOLICITATION GRANT PROGRAM

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-14 13-0783 ONE-YEAR LEASE AGREEMENT FOR POLICE SUBSTATION - Coral Ridge Yacht Club, Inc. - 2800 Yacht Club Boulevard -no cost

Vice Mayor Roberts thanked the Coral Ridge Yacht Club.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-15 13-0271 CHANGE ORDER 3 (FINAL) - HORTT PARK COMMUNITY CENTER - Green Construction Technologies Inc. - \$22,165.15 plus \$2,216 in-house administration costs and 92 additional work days to contract period.

Vice Mayor Roberts thanked staff for their work resulting in a cost reduction.

Motion made by Vice Mayor Roberts and seconded by Commissioner DuBose to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-16 13-0725 CHANGE ORDER 3 - REPLACEMENT OF SE 15 AVENUE BRIDGES OVER MARCHETTA AND CARLOTTA RIVERS - Baker Concrete Construction, Inc. - add eight days to contract period at no additional cost

Commissioner Rogers drew attention to the deficiency relating to stormwater runoff that impacts abutting homeowners. The City Manager has advised it is an engineering issue that will come to the Commission.

Motion made by Commissioner Rogers and seconded by Commissioner DuBose to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-17 13-0691 HOUSING OPPORTUNITIES FOR PERSONS WITH HIV/AIDS (HOPWA) PROGRAM - Community Services Board to review need and progress of existing providers and recommend reallocation of funding previously awarded to Legal Aid Service of Broward County, Inc. - \$250,556.98

Dwayne Dickerson, representing Legal Aid Service of Broward County, noted information requested by Commissioner Rogers at the May 7 meeting has been furnished.

Motion made by Commissioner Rogers and seconded by Mayor Seiler, after having passed the gavel to the Vice Mayor, to award the funding to Legal Aid with their letter of May 30, 2013 concerning District Court Case 0:10-CV-61122-JC being made a part of the record.

Commissioner Trantalis asked if the City Attorney was satisfied with the letter furnished by Legal Aid, dated May 30, 2013 and attached to these minutes. The City Attorney advised that he had asked for a letter from the attorneys handling the case (0:10-CV-61122-JIC). Legal Aid has indicated they are no longer involved in the case. The attorneys handling the case will apparently not sign a letter. Legal Aid has indicated if they get the case back, they will not raise issues noted in the letter. Commissioner Rogers explained his concern had previously been if the City had knowledge of fraudulent dealings and in turn was providing money to Legal Aid, it could be problematic for the City in U.S. Housing and

Urban Development matters. He is now comfortable with the appellate attorney indicating that the trial court ruled for the City on the issue and it is not up on appeal and if reversed, Legal Aid has indicated they would be handling the matter and would not assert this. In response to Commissioner Trantalis, the City Attorney advised that he does not believe this protects the City. It does not preclude White and Case or another party from bringing it back and handling it differently. Mayor Seiler pointed out that White and Case does not have the conflict. In response to Commissioner Trantalis, the City Attorney explained the City has to rely on Legal Aid and it is the best the City can do because it is the best Legal Aid can do.

At Mayor Seiler’s request, the motion was revised to specify that Legal Aid’s letter was made a part of the record.

Funding awarded with letter from Legal Aid Service of Broward County, Inc., dated May 30, 2013, concerning District Court Case 0:10-CV-61122-JIC, made a part of the record.

Aye: 3 - Mayor Seiler, Commissioner Trantalis and Commissioner Rogers

Nay: 2 - Vice-Mayor Roberts and Commissioner DuBose

M-18 13-0738 HOME INVESTMENT PARTNERSHIP PROGRAM - \$662,292.87 - repayment to City's Line-Of-Credit Account with U.S. Department of Housing and Urban Development and ratification of liability account

Commissioner DuBose recalled there was previous discussion about purchasing the properties through the Community Redevelopment Agency (CRA), however, this is another course of action. The City Manager advised that the time frame is somewhat critical. The repayment is needed to free up the dollars so they can be spent according to the award timeline obligation. Commissioner DuBose wanted a healthy discussion before sale of the properties occurs. The City Manager explained that the Northwest Neighborhood Improvement District transferred the properties to the City’s General Fund. He is no longer recommending that the properties be transferred to the CRA, but the Commission has the ability to do so if it so chooses. The CRA dollars are not needed at this point because the dollars were previously earmarked for repayment to the U.S. Department of Housing and Urban Development (HUD). He suggested that part of the motion having to do with sale could be removed.

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to approve the item as amended to authorize repayment only using a previously established liability account.

Amended to authorize repayment only. Sale of property will be considered at future date.

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CONSENT RESOLUTION

CR-1 13-0688 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2013 BUDGET – APPROPRIATION

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CR-2 13-0736 WAVE STREETCAR PROJECT - APPOINTMENT OF BOND DISCLOSURE COUNSEL FOR ISSUANCE OF SPECIAL ASSESSMENT BONDS - Albert Del Castillo of Greenberg Traurig LLP as Bond Counsel and Steven Bullock, P.A. as Disclosure Counsel
ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CR-3 13-0803 WAVE STREETCAR PROJECT - APPOINTMENT OF BOND COUNSEL - bond validation process for issuance of special assessment bonds - Albert Del Castillo of Greenberg Traurig, P.A.
ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CR-4 13-0694 PARKS AND RECREATION RULES AND REGULATIONS - Amendments relating to Section 4.5, Nuisances, and Section 7.5, Beach Regulations
ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CR-5 13-0728 STREET NAME ADDITIONS - PROGRESSO VILLAGE NEIGHBORHOOD - adding historic names to street signs: NW 7 Street, NW 8 Street, NE 8 Street, NW 9 Street, NW 3 Avenue, NW 4 Avenue, NW 5 Avenue, NW 6 Avenue, NW 4 Street and NW 5 Street
ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PURCHASING AGENDA

PUR-1 13-0665 EIGHTEEN MONTH CONTRACT EXTENSION FOR BANKING SERVICES WITH WELLS FARGO BANK, N.A. AND CANCEL AWARD TO TD BANK and authorize proper City Officials to execute all necessary documents

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-2 13-0737 TWO-YEAR CONTRACT FOR EMERGENCY CATERING SERVICES in the estimated amount of \$121,692 from Professional Concessions, Inc. and authorize the City Manager to approve renewal options contingent upon approval and appropriation of funds

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-3 13-0784 PURCHASE OF PROJECT AND ASSET MANAGEMENT SOFTWARE in the amount of \$434,828 (five-year period) from Enstoa, Inc.

Mayor Seiler announced this item has been removed from the agenda at the request of the City Auditor.

REMOVED FROM AGENDA

PUR-4 13-0792 NINE-MONTH CONTRACT EXTENSION FOR CREDIT CARD PROCESSING SERVICES in the amount of \$142,282.25 from Elavon, Inc. and authorize proper City Officials to execute all necessary documents, contingent upon vendor agreeing to extension

Mayor Seiler announced this item has been removed from the agenda at the request of the City Manager.

REMOVED FROM AGENDA

PUR-5 13-0770 1) INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SUPPORT SERVICES, 2) PIGGYBACK AGREEMENT BETWEEN TOWN OF SOUTHWEST RANCHES AND SUN-BERGERON SOLID WASTE SERVICES FOR RECYCLABLE PROCESSING SERVICES AND 3) REJECT PROPOSALS FOR SOLID WASTE PROCESSING AND DISPOSAL (RFP 635-11066)

Grant Smith, representing Waste Services of Florida, Inc., noted Waste Services size and standing in Florida. He requested the item be deferred. Waste Services was the lowest price proposer in the procurement process. Acceptance of the recommendation will result in an additional \$1.2 million to be paid by residents. The tipping fee will be a full \$3 per ton more. Waste Services has proposed a regulated open market system. As to why this proposal is coming to the Commission so close to the meeting time, he advised that Waste Services was only made aware with the agenda being published Thursday evening and the City's letter of yesterday, terminating the procurement. Commissioner DuBose asked staff to respond. The City Manager noted this was not a bid, but rather a request for proposal (RFP). The Commission reviewed the criteria for the RFP and add a sustainability component. There were factors beyond price. Wheelabrator was ranked number one. The recommendation is for all proposals to be rejected and the City enter into an agreement with Broward County to be a participating community for the purposes of solid waste disposal. As to notice, it was provided after the agenda item was authored so that the actual recommendation would be out. It was clear in the solid waste disposal community what the staff's recommendation was going to be. It should not have come to a surprise to any entity. The City is familiar with the regulated open market system which is not what is in place today. If the Commission wishes to use that system, there is a

significant regulatory framework that would have to be crafted and a significant process that would impact the City's current collection arrangement with Choice which is a WSI company as well. The City has until July 3 to accomplish this. The regulated open market system could have been suggested at the beginning of this process instead of at the end. If the Commission wishes to have an entirely new regulatory framework and way of disposing of waste, it could be looked at down the road. The City has the ability to opt out of the County's interlocal agreement.

In response to Commissioner Rogers, the City Manager explained under the regulated open market, a facility is not designated; it is an open market system. The contractor that picks up the garbage is obligated to find a place to dispose of it. The \$10,000 licensing fee is an enticement.

Commissioner Trantalis noted that the numbers mentioned by Mr. Smith do not coincide with the Commission's backup information. The City Manager advised that price was not the sole consideration. The recommended price is \$42 per ton. This number was contained in Wheelabrator's proposal which the City is rejecting. The recommendation is to use the County system, where Wheelabrator is a provided, which pricing is now \$41.48 or \$42 for simplicity. Factoring in the loyalty bonus would bring the rate to about \$39. However, the City is looking at participating in the County system which affords two options: Wheelabrator at \$42 or Sun-Bergeron at \$45.25. WSI did not participate in the County proposal. Mayor Seiler did not think there is time to create the system described by Mr. Smith. There are out-provisions in the contracts. He clarified for Commissioner Trantalis that the piggyback agreement with the Town of Southwest Ranches and Sun-Bergeron Solid Waste Services JV has been removed from the agenda because there may be a lower bid with the City of Deerfield Beach. A most favored nations clause is included.

The City Manager clarified the recommendation under the County's interlocal agreement would be garbage disposal to Wheelabrator, bulk waste to Wheelabrator, yard waste to Sun-Bergeron. The recommendation is also to keep in place the current construction and debris contract which does not expire until 2014.

George Platt of LSN Partners, representing Sun-Bergeron Solid Waste Services JV, congratulated the City on the hard work and great results. He confirmed that there is a most favored nations clause so the City will receive 45.01 percent revenue stream back to the City through the Deerfield Beach contract.

Mayor Seiler noted the reduction accomplished through the efforts of the Resource Recovery Board.

Motion made by Commissioner Trantalis and seconded by Commissioner Rogers to approve the item as amended to delete the piggyback agreement with the Town of Southwest Ranches and Sun-Bergeron Solid Waste Services JV.

Note: The Commission recessed from 2:17 p.m. and 3:05 p.m.

Amended to delete piggybacking Agreement between Town of Southwest Ranches and Sun Bergeron Solid Waste Services for recyclable processing services. (Memorandum 13-0770)

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

The City Manager advised that the recyclable processing services contract award by Deerfield Beach is scheduled for June 18, therefore this may be scheduled for the July 2 meeting.

OB 13-0877 WALK-ON MOTION - WORK ORDER 4 - RESURFACING STREETS IN DORSEY RIVERBEND - Weekley Asphalt Paving Inc. under Annual Asphaltic Concrete Pavement Contract - \$260,000

Motion made by Commissioner DuBose and seconded by Vice Mayor Roberts to approve the item as described in Commission Agenda Memorandum 13-0877.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CITIZEN PRESENTATIONS

CIT-1 13-0765 JOHN COLEMAN - Use of Wheelchairs on Streets
Mr. Coleman was not present.

CIT-2 13-0766 DONALD KARNEY III - Change in Parking Meter Enforcement Hours

Mr. Karney noted on April 11 many of the downtown parking meter enforcement hours were changed from 8 a.m. to 6 p.m. to 6 a.m. to 12 a.m. He did not believe there was any notice to the public: no press releases to the news media, announcements on the City's website or signage on the streets. Red stickers were placed on the meters, but it faced away from the driver and the street. A lot of people were ticketed which he observed from his balcony along SE 6 Street. He was disappointed in how this was abruptly done. Mayor Seiler asked staff to respond. Diana Alarcon, Director of Transportation and Mobility, noted typically when there is a change in enforcement hours, warnings are issued for the first thirty days. A vehicle is typically booted when there are more than three outstanding citations that have been moved to collections. A boot notice is sent to the individual.

CIT-3 13-0767 ROBERT WALSH - WAVE Streetcar, Property Tax and Fire Assessment

Mr. Walsh was opposed to the Wave Streetcar special assessment. He elaborated upon the various other taxes in place. He questioned how much it will be utilized. He did not see the need for increasing property taxes, but supported an increase in the fire assessment. He mentioned changes to the employee health plan, automated red light camera traffic enforcement system and pension plan investments, and suggested revenue from these areas be used. He also questioned transferring the Wave Streetcar to County ownership. He felt the not-for-profits should be included.

CIT-4 13-0768 CHRISTINE TIMMON - U. S. Constitution and Alimony

Ms. Timmon felt women should not take advantage of alimony. She elaborated upon the inequality of alimony generally.

CIT-5 13-0769 BENJAMIN PROWS - Allowing Hammocks on the Beach

Mr. Prows noted that the foundation or the Native American statue located across the street from the International Swimming Hall of Fame is deteriorating and should be checked. Mayor Seiler asked the Director of Parks and Recreation to followup on this matter. Mr. Prows indicated that the yellow blind mats along the beach close to Sunrise Boulevard are also deteriorating and do not look safe. He

hoped that lighting on the wave wall along the beach will be re-installed. He asked that hammocks be permitted on the beach. He asked about the beach closing the Monday after Memorial Day and another incident at the beach last Sunday. He has been arrested four times for juggling on the beach. He asked for less stringency on the beach generally.

PH-5 13-0789 QUASI-JUDICIAL - DE NOVO HEARING - CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS TO LAUDERDALE BEACH HOTEL (Las Olas Beach Club) - Case 5-H-13

Applicant: Preferred Signs
Location: 202 South Fort Lauderdale Beach Boulevard
Zoning: Planned Resort Development PRD
Future Land Use: Regional Activity Center - Central Beach RAC-CB

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

All parties present were in agreement with a deferral to June 18, 2013.

There being no individuals wishing to speak, a **motion** made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to defer the public hearing to June 18, 2013.

Deferred to Jun 18, 2013

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

RESOLUTIONS

R-1 13-0795 DESIGNATING THE MONTH OF JUNE, 2013 AS NOT 1 FORGOTTEN MEN'S CANCER AWARENESS MONTH IN THE CITY OF FORT LAUDERDALE

Vice Mayor Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

R-2 13-0655 QUASI-JUDICIAL - GUNTHER MOTORS PLAT - Case 4-P-13

Applicant: Gunther Motor Company of Plantation, Inc.
Location: Southeast corner of SW 19 Street and South State Road 7
Future Land Use: Commercial

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Members of the Commission announced with whom they had spoken with and/or site visits made concerning this matter.

Commissioner Trantalis introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

R-3 13-0719 QUASI-JUDICIAL - VACATION OF 5 FOOT DRAINAGE EASEMENT - Case 2-M-13

Applicant: Florida Conference of Seventh-day Adventists
Location: Mid-block between Davie Boulevard and SW 12 Street along eastern property line - 850 SW 12 Street

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Members of the Commission announced with whom they had spoken with and/or site visits made concerning this matter.

Vice Mayor Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

R-4 13-0593 WAVE STREETCAR PROJECT - CREATION OF SPECIAL ASSESSMENT AREA AND IMPOSITION OF AN ASSESSMENT

At the beginning of the meeting, Broward County Mayor Kristin Jacobs, expressed the County's support of this item. She noted her service on Tri-Rail and Broward County Metropolitan Planning Organization and the support of both these organizations.

Mayor Seiler opened the floor for public comment.

Tim Petrillo, noted his line of business, that he is chair of the Downtown Development Authority (DDA) and resident of the city. He expressed support for the Wave and elaborated upon the reasons.

Genia Ellis, president of Riverwalk, expressed support for the Wave and elaborated upon the reasons.

John Ropes, vice chair of the Downtown Development Authority, expressed support for the Wave and elaborated upon the reasons. He provided information on research conducted by the American Public Transportation Association on how streetcar projects affect local communities that is attached to these minutes. The research was conducted during the economic downturn from 2006 to 2011.

Margi Nothard, 724 NE 3 Avenue, noted her line of business and expressed support for the Wave and elaborated upon the reasons.

Mike Ferber, 422 NE 2 Avenue, advised that he owns several parcels in the downtown, some are closer and some further away from the indicated project alignment. He expressed support for the Wave in its entirety with no exceptions. The land use amendment that created the downtown regional activity center took place some twenty-four years ago and in its stated goals, there is precise language that anticipates the streetcar.

Ward Viator, 60 Columbia Drive, Tampa, Florida, indicated he is a long-time property owner in downtown Fort Lauderdale. He expressed support for the Wave.

David Coddington, representing the Greater Fort Lauderdale Alliance, indicated he also serves on Community Involvement Roundtable for the Metropolitan Planning Organization and is a resident of the city. He expressed support for the Wave and elaborated upon the reasons.

Doug McCraw, founder of Fat Village, expressed support for the Wave and elaborated upon the reasons. The Association voted unanimously in favor of it.

Kelly Alvarez Vitale, 779 NE 4 Avenue, expressed support for the Wave and commented on her visit to Portland where such a system also exists.

Randall Vitale, 779 NE 4 Avenue, indicated he resides in Flagler Village which will be assessed. He supported the Wave and elaborated upon the reasons.

Jack Loos, 1815 Cordova Road, indicated he served on the DDA when this was initially thought about. He commented on the opposition to the Sawgrass Expressway being built and how it has changed the character and nature of the county. He noted his line of business and is a property owner in the downtown. He expressed support for the Wave and elaborated upon the reasons.

Camille Fenn, 1819 SE 1 Avenue, advised that she is a property owner in the southeast Fort Lauderdale area, was concerned about Wave riders parking in nearby residential areas. She was opposed to the Wave at this time but suggested it be deferred for several years until there is enough activity to support. The Sun Trolleys are running empty. People in this area like their cars.

Phil Bernstein, president of Foundry Lofts Condominium Association, indicated he is a property owner in both Foundry Lofts and Avenue Lofts and director of communications for Flagler Village Civic Association. He expressed support for the Wave and elaborated upon the reasons.

Maggie Gunther, 305 SW 9 Street, expressed support for the Wave and elaborated upon the reasons.

Kelley Shanley, president of Broward Center for the Performing Arts, expressed support for the Wave and elaborated upon the reasons. He commented on the challenge of taking the first step in such a project similar to when building the Performing Arts Center was initiated.

Doug Eagon, 2400 Costilla Isle, indicated he was the DDA chair when the first action was taken on the Wave project. He expressed support for the Wave. He asked that people with skepticism to have some patience with this project.

Denny O'Shea, general counsel for Stiles Corporation and treasurer for the DDA and lifelong resident of the city. He expressed support for the Wave.

Sheryl Dickey, 1033 NW 6 Street, indicated she is a business owner on Sistrunk Boulevard. She expressed support for the Wave and elaborated upon the reasons. As chair of the Economic Development Advisory Board, she also noted the board's support.

Ron Centamore, 638 NW 2 Avenue, expressed support for the Wave and elaborated upon the reasons.

Brian Bagnall, 347 North New River Drive East, indicated he speaks on behalf of residents who oppose the Wave. Many experts believe that modern buses can provide the same thing at a much less cost. Construction for the project is horrendous. He was concerned about the accuracy of information being published by the DDA. He did not think a special assessment can be levied without a logic special benefit in return. There is no credible, legal supporting data except that it has been proven in Portland. Fort Lauderdale is not Portland. Portland is having financial trouble operating their system.

Mike Weymouth, president of Las Olas Company, member of the DDA, Riverwalk and Property Owners of Las Olas, expressed support for the Wave and elaborated upon the reasons.

Samuel Poole, 702 North Rio Vista, noted that the city's economic and cultural future is limited by a system based entirely on automobiles and a limited number of buses. He expressed support for the Wave and elaborated upon the reasons.

Marcie Nolan, representing the law firm of Becker and Poliakoff of 3111 Stirling Road in Hollywood, Florida, advised that this December their new address will be 1 Broward Boulevard in Fort Lauderdale. One of the many reasons they decided to move to Fort Lauderdale was its forward growth. The Wave is one of those components. She expressed support for the Wave.

Alan Hooper, 2719 NE 37 Drive, indicated he is a lifelong resident of the city and chairman of the Fort Lauderdale Downtown Transportation Management Association (TMA). Forty thousand people rode the Sun Trolley last month that is operated by the TMA. He expressed support for the Wave and elaborated upon the reasons. The Wave is just one thing to go from being average to really great.

Jim Ellis, representing Ellis Diversified, indicated he is also president of Flagler Village Improvement Association, expressed support for the Wave and noted some issues the Improvement Association is working on along 3rd Avenue and Andrews Avenue as well as an off-duty police security program. He provided a newsletter for the association that was made a part of the record. He noted Flagler Village will have Broward County Transit, the proposed Wave maintenance area and stop and the Florida East Coast Railroad.

Stephen Tilbrook, 200 East Broward Boulevard, noted his civic involvement in the city. As immediate past president of the Downtown Council, he noted their support of the Wave. He also supports it.

Richard Polemeni, director of design and construction for Broward Health, expressed support of the Wave.

Kona Gray, 901 SW 18 Street, expressed support of the Wave and elaborated upon the reasons, including historical facts about the start of such systems in other U.S. cities.

Paul Kissinger, 2633 NE 27 Court, expressed support of the Wave and elaborated upon the reasons.

Doug Coolman, representing Urban Corp, a subcommittee of the Broward Workshop, noted this partnership will position Fort Lauderdale to have mass transit in its downtown. He expressed support of this project.

Frank Kurz, representing the downtown center of Broward College, expressed support of the Wave, noting its advantages for their students and the hope of connectivity to the education center in Davie as well as the airport.

Charles King, 105 North Victoria Park Road, indicated that he owns two townhouses in Flagler Village and expressed support of the Wave and elaborated upon the reasons. He believed that mass transit is essential to a downtown. He also supported not-for-profits being included in the assessment.

Raymond Dettman, president of Poinciana Park Civic Association, indicated after a presentation by the DDA, everyone at the meeting voted in favor of the Wave and agreed to the assessment. As a resident, he also supports the Wave.

There being no one else wishing to speak, a **motion** was made by Vice Mayor Roberts and seconded by Commissioner Trantalis to close public comment.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

Commissioner Rogers touched on the fact that government properties will be exempt. The not-for-profits are about \$45,000 of the assessment or about two percent. Not-for-profits are not included in the fire assessment because they provide a public good. If the theory is that this increases property value, not-for-profits cannot take advantage of this unless they borrow on the increased value. His church will be assessed over \$20,000 that is almost half of the entire not-for-profits assessments. Kansas City uses a reduced assessment model for not-for-profits. He would like to exempt the not-for-profits, but if there is not consensus for exemption, he wanted to use a different tier for not-for-profits. Vice Mayor Roberts believed that the not-for-profits should be assessed, but was kind of open to a different tier. Portland, Seattle and Los Angeles assess the not-for-profits equally. He felt that governmental entities such as Broward County that are supporting the project financially should be exempt. Picking and choosing exemptions for not-for-profits might put the City into a legally indefensible position. Commissioner Rogers pointed out that there are laws exempting the federal government as well as the School Board. The City Commission could adopt a law exempting not-for-profits. Assessing those whose property increased in value is the chosen method. Therefore those rules should be used across the board. He did not see how a not-for-profit benefits in terms of increased property value. They cannot benefit from a sale of their assets. Commissioner Trantalis did not think the First Baptist Church will necessarily sell and relocate after the Wave is built because the property is worth more. First Baptist could sell its parking lots and profit. He felt it should be reduced because the sanctuary will not be sold. Any assessment against the sanctuary portion would be unfair. Not-for-profits should be treated differently because they do not operate on a profit/loss basis. Further, he felt the method is suspect when dealing strictly on a development perspective however it has been fully vetted. He was amenable to a modification for certain not-for-profit entities that clearly do not intend to benefit from the development aspect. He felt something should be done for First Baptist because of the enormity of the property and that it will likely not move and sell to a developer. Commissioner DuBose felt such thinking could be a slippery slope for other exceptions. He has not heard a lot of opposition. Every dollar counts. Mayor Seiler agreed it could be a slippery slope. Commissioner Rogers asked about an alternative to the nine cents per square foot. He suggested an amount based on the number of employees, but Mayor Seiler pointed out an organization could have only volunteers. Commissioner Rogers felt it would be a way to address the size of an organization and impact to their budget. Another idea would be three cents per square foot, the vacant property rate. Mayor Seiler pointed out that any reduction would have to be absorbed by the taxpayers citywide where some may not have any benefit.

Camille Tharpe of Government Services Group responded to Commissioner Rogers' question about reshuffling the deck by indicating there would have to be a basis to do so. The basis is currently property value. There would need to be a basis to support a different amount being paid by a category. She explained that there is an average trip generation for a dwelling unit regardless of its size, whereas trip generation for a commercial property changes according to the square footage. She agreed with Commissioner Rogers that there can be an increased assessment based on square footage of a residential property. As to adding part of the not-for-profit assessment to commercial and residential, she advised that two criteria for a special assessment are specific benefit and fair and reasonable apportionment. The fair and reasonable apportionment criteria says other rate payers cannot be made to pay on behalf of those exempted. As to non-participating government entities, she recommended the City pursue having the School Board contribute. In response to Commissioner Trantalis, Ms. Tharpe explained that the rates are based on just property values. The City would have to make up the loss of revenue if an exemption or reduction is granted which is what is occurring with the fire assessment. In the case of School Board property, the structure anticipates they will pay and if they do not, the City will have to make up that difference. The proposed resolution exempts contributing government entities. Mayor Seiler noted that non-contributing government entities are not exempt. Ms. Tharpe explained that state schools, for example, are included in the assessment. The City will try to collect. If not, a separate bill will be sent and the City will negotiate or there will be something in lieu of payment. The City could pursue it through the court system because they would be receiving a benefit. Commissioner Trantalis questioned the suggestion that an existing thirty story building, for example, has a redevelopment benefit. Chris Wren, executive director of the Downtown Development Authority (DDA), advised that there are four types of benefits: transportation, economic development, quality of life and environmental. Government Services Group is a leading expert beyond Fort Lauderdale and believes the proposal will stand up in court. He commented that many institutions such as Broward College and Nova Southeastern are huge supporters. He elaborated upon the efforts made for the last three years. He did not think the City will have to challenge these entities in court. Mayor Seiler noted the Tier 1 institutions amount to \$45,000 annually. Commissioner Trantalis indicated if the \$45,000 is not received, the City will have to absorb it from the General Fund. Ms. Tharpe noted the Performing Arts Center is \$18,000 of the Tier 1 \$45,000. The majority is Broward College Foundation, Performing Arts Center and Housing Authority. Commissioner Trantalis pointed out that this is just the beginning of a much bigger project. Ms. Tharpe noted that in this phase there is a large concentration of government properties and that will likely not be the case in future phases.

Commissioner Rogers asked about his previous question concerning the boundary line on 8th Avenue. Mr. Wren understood there are fee simple lots both east and west of the line, which means there is no separation. However, it is still being looked at. He assured that information will be provided to the Commission before the July meeting. If it is divided by fee simple, it is not divided. There is legal precedence that it is either all in or all out. This has to do with Caribbean Townhomes and four units that appear to be fee simple within the assessment boundary. Commissioner Rogers indicated that Exhibit 6 needs to be corrected. It shows NW 4th and 6th Streets which should be NE.

A **motion** made by Commissioner Rogers to assess not-for-profits on the basis of three cents per square foot died for lack of a second.

Mayor Seiler noted a letter from Kenneth G. Stevens, dated May 14, 2013, will be made a part of the record.

Vice Mayor Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

R-5 13-0749 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

The City Clerk announced the appointees/re-appointees who were the subjects of this resolution:

- Aviation Advisory Board Mark Volchek (Mayor Seiler)
- Community Appearance Board Jason King (Commissioner Trantalis)
Kathryn Glenewinkel (Commissioner Rogers)
- Marine Advisory Board Robert Dean (Commissioner Trantalis)
Lisa Scott-Founds (Commissioner Trantalis)

Vice Mayor Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUBLIC HEARINGS

PH-1 13-0743 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3.C - construction and maintenance of four post boatlift extending a maximum of 29.5 feet from property line - 777 Bayshore Drive

Applicant: Robert LeClair and Vincent Gauthier

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Members of the Commission announced with whom they had spoken with and/or site visits made concerning this matter.

There being no one wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: **Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Commissioner Trantalis introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PH-2 13-0744 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3.C - construction and maintenance of two triple-pile clusters extending a maximum of 45 feet from the property line - 3012 NE 20 Court

Applicant: Multimo, LLC

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Members of the Commission announced with whom they had spoken with and/or site visits made concerning this matter.

Stephen Tilbrook, representing the Applicant, advised that the property is owned by Giles Blondeau, who is a city resident, has owned the property for the last three or four years and has made significant improvements. He described the waiver request. This matter was reviewed by the Marine Advisory Board on February 7, 2013. At that time, it was an after the fact permit because the pilings had been installed by the contractor without a permit. The Board supported the item and it came before the Commission on March 19, 2013. There was opposition from some of the neighbors. An extension was granted to address questions and riparian rights. There was a second review by the Marine Advisory Board on May 2, 2013 with unanimous approval recommendation. The pilings installed without a permit have been removed and there is a new application. Property and riparian rights have been confirmed with a surveying company, McLaughlin Engineering. A comprehensive line survey has been prepared showing all of the riparian lines for the entire basin. The Chappell Group has prepared a site plan showing the proposed pilings within the riparian rights, width of the waterway and mooring plan. A detailed justification and explanation of the extraordinary circumstances (letter dated April 22, 2013) has also been submitted. These items are contained in Exhibit 8, revised application packet, to Commission Agenda Memorandum 13-0744, which is a part of the record of this matter. He has also been talking with neighbors to work through their concerns. He went into more detail concerning riparian rights. The vessel is 115 feet with a beam of 25 feet. The property was purchased with the specific intent of docking such a vessel. The application is for two mooring pile clusters to tie the vessel and prevent it from crushing the dock adjacent to the property. He noted the total distance requested and indicated it is approximately 19 feet beyond the 25 foot limitation. It is slightly less than the original request, less than one foot. This location is 16 feet beyond the 80 foot channel. The basin is 200 feet wide with an 80 foot channel through the center. The riparian rights for each property extend approximately 60 feet into the channel which is 30 percent of its width according to the City's code. The request is the minimal necessary for safe dockage which includes two sets of dolphin piles. This area is a wake zone allowing up to 25 MPH. The vessel is valued at \$3 to \$4 million. If the vessel is not protected from rubbing against the dock, the paint job valued at \$250,000 would be damaged. The extraordinary circumstances are extraordinary width of the waterway (200 feet) and excessive wake and prevailing wind. He reiterated that the Marine Advisory Board recommends approval and added that staff does as well. Surveys by The Chappell Group, an aerial photograph and other photographs used during the presentation are attached to these minutes.

Mr. Tilbrook as well as Dana Freed, yacht captain, responded to the Mayor's questions on measurement.

Mr. Tilbrook understood that the concerns are view oriented; views that extend over the Applicant's riparian rights. According to the courts, navigational and dockage purposes are superior rights to view rights over riparian rights.

Mayor Seiler asked where the boat has been kept since it was purchased in 2009. Mr. Tilbrook did not know, but it has been at this location for at least six months with anchor lines to keep it from the dock.

Mayor Seiler opened the public hearing.

Charles Donnelly, 3018 NE 20 Court, indicated that he is a next door neighbor and opposed to the pilings. He believed they are totally unnecessary. The Applicant purchased this property four years ago and the boat only in the last year and a half or so. Mayor Seiler pointed out that the documentation shows it was purchased in 2009. Mr. Donnelly indicated it has not been at this location until last fall. He contended that the law prohibits interference with another riparian rights. He presented photographs to demonstrate the pilings would be inside his riparian line that are attached to these minutes. The pilings are three clusters and extend some 25 feet out of the water, which is not the norm. He responded to Commissioner Trantalis, indicating he would not object if the pilings were removed from his riparian line and used a single design instead of triple.

Mr. Tilbrook advised that according to the Applicant's surveyor, the location is 5 feet within the riparian line. Commissioner Trantalis asked if a single piling could be located by extending the property line into the water. Mr. Freed responded to Mr. Donnelly's earlier question, indicating the boat weighs 200,000 pounds. He did not see a problem with moving the pile in the back, but a single pile will not secure the vessel. Tyler Chappell of The Chappell Group, representing the Applicant, responded to the question of installing a single concrete piling instead of the proposed triple piling. A wood piling offers some give during the docking process. A single wood piling would not be sufficient for this size of vessel. Mr. Donnelly contended because of the boat's weight, it is not affected by surges from passing boats. He was concerned about adverse impact to his property value.

Mike Jones, 3022 NE 20 Court, indicated that he owns a number of residences in this neighborhood and resides two doors away from the subject property. He is opposed to the request. He purchased his residence because of the tremendous view. He did not think triple pilings are necessary. He did not think that extraordinary circumstances exist to allow for the waiver to be granted. The pilings interferes with the use and enjoyment of his property and impacts property values. Boats of this size do not dock in wake zones. It is not permissible for an individual to create an extraordinary circumstance and then be granted a waiver.

The City Attorney explained for Commissioner Trantalis that the rules are written to provide for dock waivers to come before the Commission and not the Board of Adjustment.

In response to Mr. Jones, Andrew Cuba, Marine Facilities Manager, advised that there have been waivers north of Sunrise Boulevard, but not in Lake Crevalle.

Paul Young, 2001 NE 31 Avenue, opposed the request. He questioned docking a boat of this size in a wake zone. The boat is too big for this area. If other property owners also install pilings, the expansive view will be jeopardized. He purchased this property for the view. There are other ways to secure and protect the boat from the dock.

Warren Ullman, 3031 NE 20 Court, presented five points for the Commission to consider and deny the request. A copy of this information is attached to these minutes. He noted that the Marine Advisory Board did not vote on this matter when it was presented the second time. The City Manager noted that the Board's minutes show they did not feel a second vote was necessary because they felt their first recommendation should stand. Mr. Ullman noted the Marine Advisory Board only focuses on safety and not other issues.

Mr. Donnelly pointed out that when there is a hurricane warning, boats in the area are moved up river. He did not think that riparian rights allow an individual to intrude on a neighbor's rights.

Charles King, 105 North Victoria Park Road, noted a recent waiver granted for triple pilings eighty feet into the river from 20th Avenue in Victoria Park. He advocated for consistency and questioned what criteria is being used in general.

Mr. Tilbrook noted he served on the Marine Advisory Board for six years. He does not believe the Board rubber stamps dock waiver applications. They are fully vetted. They listen to the neighbors, but the waivers are primarily based upon access to the water and safe mooring of vessels. Riparian rights are about access to the water, not view. The Applicant is not trying to skirt the process. The contractor initially retained did not obtain a permit. That contractor is not working on this anymore. The pilings have been removed. The criteria is how this property owner may exercise their riparian rights at this particular location. This waterway is impacted by wake and in order to safely dock a vessel, these pilings are necessary. There have been ten unfounded code complaints against this property in the last year. If moving the pilings outside of someone else's interpretation of the riparian rights would be workable, the Applicant would be willing to do so. The total circumference of the triple piling is eighteen inches. Mr. Freed responded to a question of how the pilings need to extend from the water line, indicating 16-18 feet.

Mr. Donnelly presented another photograph showing where one of the originally installed triple cluster pilings was located. He believed it is inside of his property line. The photograph is attached to these minutes. In response to Commissioner Trantalis, Mr. Donnelly explained he does not object to the boat, but rather that pilings that he felt are grotesque.

There being no one else wishing to speak, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: **Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Vice Mayor Roberts concluded that it appears to be an issue of aesthetics relating to the pilings. There is precedence for granting such waivers. He supported granting the waiver. Mr. Tilbrook agreed to amending the application to relocate the pilings to the west so they are outside of any interpretation of neighboring properties' riparian rights. Commissioner Rogers felt there should be sensitivity to not having the pilings any higher than necessary. Mr. Tilbrook noted that Mr. Cuba just indicated to him that he was not aware of any waivers where the piling height was limited. He felt a height of sixteen feet is necessary, but agreed to make a further adjustment if possible. In response to Mayor Seiler as to who would make a determination on the piling height, the City Manager advised that staff will review plans that are submitted to determine if they conform with applicable codes. If there is no code restriction on height, it should be specified at this time. Vice Mayor Roberts did not feel there is expertise to make a decision on height. Mr. Tilbrook advised that Mr. Chappell has suggested 15 feet as measured from NGVD would be the minimum based on elevation. Mr. Chappell noted for reference purposes, the mean high level in the area is 1.8 NGVD.

Mr. Donnelly emphasized that there is a boat across the waterway is significant in size with normal sized pilings and it is not impacted by passing boats.

Commissioner Trantalis asked if Mr. Tilbrook could come back to the Commission and advise whether a different type or lower piling could be used. Mr. Tilbrook agreed to do so, but believed it will be 15 feet as measured from NGVD. He could furnish a certification from a structural engineer as to the minimum piling height to secure the vessel.

A **motion** made by Commissioner Trantalis and seconded by Commissioner Rogers to defer this item to June 18, 2013.

Mayor Seiler asked that the Applicant's representatives meet with the neighbors and show them the structural engineer's findings. He reiterated that the pilings need to be moved to the west. He agreed it should have the least intrusive relief possible, involving height and width of the pilings. Commissioner Trantalis concurred. Mayor Seiler asked that the information be provided to the City in advance and not the day of the hearing.

Deferred to Jun 18, 2013 for the Applicant to respond as to whether a different type of piling with respect to height could be used and the minimum height to secure the vessel certified by a structural engineer.

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

In response to Commissioner Rogers, Mr. Cuba advised that the Marine Advisory Board is scheduled to discuss revising this process this coming Thursday.

PH-3 13-0654 QUASI-JUDICIAL - FIRST READING OF ORDINANCE REZONING TO PARKS, RECREATION AND OPEN SPACE - TOWNSEND PARK - Case I-Z-13

Applicant: City of Fort Lauderdale
From: Residential Low Rise Multi-Family - Medium High Density
Location: 1400 Argyle Drive

There were no disclosures for this item.

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: **Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Commissioner Rogers introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PH-4 13-0663 QUASI-JUDICIAL - FIRST READING OF ORDINANCE REZONING TO COMMUNITY FACILITY - HOUSE OF WORSHIP CF-H - Case 2-Z-13

Applicant: Saint John United Methodist Church
From: Residential Single Family - Low Medium Density RS-8
Location: North side of NW 5 Street and east of NW 15 Avenue

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Members of the Commission announced with whom they had spoken with and/or site visits made concerning this matter.

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing. Roll Call showed: **Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Commissioner Rogers introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PH-6 13-0723 FIVE-YEAR LEASE AGREEMENT FOR LOW TO MODERATE INCOME FAMILIES - Broward County Minority Builders Coalition, Inc. - Request to defer to June 18, 2013 or as soon thereafter as may be heard

Location: 1145 NW 5 Avenue and 1200 NW 3 Street

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing. Roll Call showed: **Aye:** 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

A **motion** made by Commissioner Trantalis and seconded by Vice Mayor Roberts to defer this item to June 18, 2013.

Deferred to Jun 18, 2013

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

ORDINANCES

O-1 13-0762 QUASI-JUDICIAL - FIRST READING OF ORDINANCE APPROVING A SITE PLAN AMENDMENT FOR BROWARD COUNTY HOMELESS ASSISTANCE CENTER AND PROVIDING A PROCESS FOR FUTURE AMENDMENTS TO THE APPROVED SITE PLAN - 920 NW 7 Avenue

Mike Vondermeulen of Keith and Associates, representing Broward Partnership for the Homeless, advised that this is a request for thirty additional beds. He asked if it is possible for any additional site plan changes to be authorized by the Development Review Committee. Mayor Seiler did not think that would be acceptable. He recalled previous commitments made to the neighborhood by the Commission.

Vice Mayor Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- O-2 13-0828** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 26, ARTICLE VII, TRAFFIC INTERSECTION SAFETY ACT - providing for statutory authority and consistency with general law

Vice Mayor Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- O-3 13-0735** FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES, SECTION 2-127, APPROVAL OF CHANGE ORDERS, ADDITIONS, TASK ORDERS

Vice Mayor Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- O-4 13-0678** SECOND READING OF ORDINANCE - AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-22.4 - MAXIMUM NUMBER OF SIGNS AT ONE LOCATION AND SPECIAL REQUIREMENTS IN ZONING DISTRICTS - revise and clarify review process for sign approval in Regional Activity Center and Central Beach Districts

Vice Mayor Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- O-5 13-0679** SECOND READING OF ORDINANCE - AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3, BOAT SLIPS, DOCKS BOAT DAVITS, HOIST AND SIMILAR MOORING STRUCTURES - providing for property located in annexed areas to apply for waivers of mooring device limitations - Melrose Park and Riverland Road

Vice Mayor Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- O-6 13-0680** SECOND READING OF ORDINANCE - AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-5.60, RESIDENTIAL OFFICE ZONING DISTRICTS - revising development review and approval process, revising requirements for bufferyard and allowing alternatives to standard wall requirement

Vice Mayor Roberts understood the goal was to standardize all site plan level II processes. Greg Brewton, Director of Sustainable Development, advised that this ordinance was not advertised as such, but some options have been offered. Commissioner Rogers explained he had wanted to provide for notice without slowing down the process and it was thought the ordinance could be deferred until staff could complete their recommendation. Staff had a concern with consistency. He explained why he believes RO and ROA zoning are different. Commissioner DuBose was concerned with consistency and did not want to apply criteria to one district. Commissioner Rogers did not want to further delay this ordinance. He will await staff's recommendation. Mr. Brewton recommended a sign notice posted on the property. He would not recommend singling out one district.

Commissioner Rogers introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- O-7 13-0820** SECOND READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-13.20 - DOWNTOWN REGIONAL ACTIVITY CENTER REVIEW PROCESS AND SPECIAL REGULATIONS - SECTION 47-24, DEVELOPMENT PERMITS AND PROCEDURES AND SECTION 47-28, FLEXIBILITY RULES - to create a process for allocation of flexibility units in Downtown Regional Activity Center - Case 1-T-13

Vice Mayor Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

- O-8 13-0323** SECOND READING OF ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS FOR IMPOSITION OF ASSESSMENTS TO FUND MASS TRANSPORTATION SYSTEMS

Nick Sakhnovsky, 455 SW 5 Avenue, noticed the scrivener's error previously noticed with the legal description was not addressed. The City Attorney advised that the Clerk has been directed to send the corrected legal description to the appropriate parties.

Commissioner Trantalis introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Note: The City Commission adjourned the regular meeting at 11:22 p.m. and returned to the conference meeting agenda, item BUS-2.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk